

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. MICHAEL BLOOD, Defendant.	5:21-CR-50048-JLV ORDER DENYING RELEASE PENDING SENTENCING
------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

Defendant Michael Blood appeared before the court on Wednesday, October 6, 2021, for a change of plea hearing. After entering a plea of guilty to Count IV of the Indictment, it was this court's recommendation that Mr. Blood be adjudged guilty of Possession of an Unregistered Firearm. (Doc. 75). At the time of his change of plea hearing, Mr. Blood was in custody. Mr. Blood filed a Motion for Reconsideration of Pretrial Release, which the court denied. (Docs. 90, 91). Mr. Blood then filed a Second Motion for Reconsideration of Pretrial Release. (Doc. 94).

The basis for Mr. Blood's motion is outlined in his four-page letter setting forth his grievances regarding the circumstances of his incarceration. (Doc. 94). Mr. Blood has been found guilty of Possession of an Unregistered Firearm in violation of 26 U.S.C. §§ 5861(d), 5845, and 5871. Mr. Blood's sentencing is scheduled for March 4, 2022. (Doc. 85). Since Mr. Blood has plead guilty, 18

U.S.C. § 3143 governs release or detention of a defendant pending sentencing.

18 U.S.C. § 3143(a)(1) provides as follows:

Except as provided in paragraph (2), the judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 28 U.S.C. 994 does not recommend a term of imprisonment, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c). If the judicial officer makes such a finding, such judicial officer shall order the release of the person in accordance with section 3142(b) or (c).

The court has already determined that Mr. Blood is a flight risk and a danger to the community and detained him during the pendency of his pretrial proceedings. (Doc. 23). In his Factual Basis Statement, Mr. Blood admitted to barricading himself in his residence and engaging in a standoff with law enforcement for approximately three hours. (Doc. 70). Law enforcement observed Mr. Blood in possession of a shotgun. (Doc. 70). Mr. Blood is not a candidate for release on this basis. The grievances Mr. Blood has with the conditions of his detention are not a factor for the court to consider under the Bail Reform Act; nor is release the proper remedy.

Accordingly, Mr. Blood's Second Motion for Reconsideration of Pretrial Release is hereby denied.

DATED this 12th day of January, 2022.

BY THE COURT:



DANETA WOLLMANN

United States Magistrate Judge